

SUBCOMMITTEE NO. 4

Agenda

Senator Mark DeSaulnier, Chair
Senator Tom Harman
Senator Gloria Negrete McLeod
Senator Roderick Wright



Thursday, April 2, 2009

9:30 a.m. - Room 112

Consultants: Brian Brown and Bryan Ehlers

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Emergency Response Initiative (ERI)

Overview of ERI. In the January budget proposal, the Governor proposed to establish a secure funding stream to be used to enhance the state's firefighting and other emergency response capabilities – the Emergency Response Initiative (ERI). Specifically, the Governor proposed that a 2.8 percent surcharge be assessed on all residential and commercial fire and multi-peril property insurance statewide. The administration estimated that the surcharge would generate \$69 million in 2009-10 and \$278 million ongoing. The lower revenues in 2009-10 reflect the administration's estimates that the state would begin to receive those revenues in April 2010.

The new revenues generated by the surcharge are proposed to be deposited into the newly created Emergency Response Fund (ERF). The Governor proposes that the California Emergency Management Agency (CalEMA) administer the ERF.

The additional revenues generated by the surcharge are proposed to fund expanded emergency response capabilities in the state, primarily for firefighting. As such, most of the revenues are proposed to fund various spending proposals in CalFire for increased staffing on fire engines, information technology upgrades, and improved coordination of aviation activities during major fire disasters. The Senate Budget and Fiscal Review Subcommittee #2 will hear the merits of each of these spending proposals. In total, the administration proposes to spend \$60 million from the ERF in 2008-09.

Administration ERI Spending Proposals by Department

(Dollars in millions)

Department	2009-10	2010-11
CalFire	\$41.6	\$65.0
CalEMA	16.2	16.9
Military	2.2	4.9
Totals	\$60.0	\$86.8

The administration also proposes that a share of the surcharge revenues – \$18.4 million in 2009-10 and \$21.8 million in 2010-11 – be used to fund several proposals in CalEMA and the Military Department. Most of this funding would be used to expand the state's fleet of fire engines. The administration proposes that any unexpended balance in the ERF be available to offset costs associated with fires or other state emergencies, costs that are typically borne by the General Fund.

Administration ERI Proposals for CalEMA and Military Departments

Proposal	2009-10	2010-11
CalEMA		
Wildland firefighting engines	\$12,200,000	\$13,000,000
Regional expansion	1,575,000	1,500,000
Fee collections/audits unit	650,000	1,300,000
Law enforcement mutual aid support	560,000	530,000

Emergency contingent contract	500,000	TBD
Sacramento-San Joaquin Delta	360,000	280,000
California State Warning Center	181,000	170,000
State Emergency Command Center	155,000	155,000
Subtotals, CalEMA	\$16,181,000	\$16,935,000
Military		
Aerial fire suppression assets	\$2,200,000	\$2,350,000
Modular Airborne Fire Fighting Systems	0	2,550,000
Subtotals, Military	\$2,200,000	\$4,900,000
Totals	\$18,381,000	\$21,835,000

LAO Proposes Alternative Approach. State Responsibility Areas (SRAs) are primarily privately owned timberlands, rangelands, and watershed areas. There are an estimated 860,000 homes in SRAs. CalFire spends considerable time and resources protecting homes in SRAs from wildfires and responding to other emergencies.

The LAO recommends that instead of applying a broad surcharge as the administration proposes, the Legislature should enact a fee on owners of structures in SRAs that would be generally proportional to the additional costs imposed on the state as a result of the presence of those structures. The LAO further proposes that these funds be used solely to offset CalFire wildland firefighting costs. In so doing, the LAO states that its proposal would result in General Fund savings, as well as be consistent with the “beneficiary pays” principle. Finally, the LAO notes that, based on its conversations with Legislative Counsel, the administration’s surcharge proposal may actually be a tax as currently proposed which would have Prop 98 implications not accounted for in the administration’s proposal.

Staff Comments. In reviewing the ERI, the Legislature must consider questions on two key issues: (1) the assessment of a surcharge, and (2) how any revenues generated would be used. This subcommittee will need to coordinate with Senate Budget and Fiscal Review Subcommittee #2 to address these questions.

- **Assessing a surcharge.** Should the state assess a surcharge? If so, which properties should pay this surcharge – all properties statewide or those in fire-prone areas serviced by CalFire? What amount of a surcharge should be applied? How would the LAO’s alternative fee be structured?
- **Use of revenues generated.** How should the new revenues be used? What are the state’s highest needs and priorities in emergency preparation and response? To what extent should new revenues be used to expand programs versus offset existing General Fund costs? What are the merits of each of the expenditure proposals made by the administration?

ERI Expenditure Proposals in CalEMA and Military Department

CalEMA - Wildland Firefighting Engine Fleet

Background. The CalEMA currently owns 141 fire engines and related equipment used and housed by local firefighting agencies in wildfire emergencies. A 2003 Governor's Blue Ribbon Commission recommended that the state's fleet be expanded to 272 fire engines in order to improve the state's ability to respond during wildfire emergencies.

Governor's Budget Request. The administration proposes about \$12 million to \$13 million annually over each of the next five years to purchase an additional 131 engines, funded from the Emergency Response Fund. The administration's proposal includes six additional staff positions to manage the expanded fire engine fleet.

	2009-10
Emergency Response Fund	\$12,200,000
Positions	6

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends rejection of this request. The additional fire engines requested would be used to mitigate *potential* deficiencies in fire fighting equipment, rather than addressing an immediate need. According to the LAO, the existing mutual aid network—the system for sharing resources at the local, state, and national level in the event of an emergency—has allowed the state to successfully manage fire fighting resource needs in generally short timeframes when emergencies occur. Within the state, resources are often secured and relocated within a few hours. Out-of-state resources have also been generally secured in a few hours, with more distant resources available in two to five days. While expanding the state's ability to respond to wildfires may be an appropriate goal for the Legislature to pursue in the future, the LAO recommends rejection of the proposal given the persistence of the state's fiscal crisis.

Staff Comments. It is clear that additional firefighting engines would aid state efforts to combat wildland fires and other emergencies. Over the past decade, state General Fund expenditures for fire protection have tripled, from about \$300 million in 1998-99 to almost \$1 billion (estimated) in the current year. The issue before the committee is whether the proposed expenditures for firefighting equipment are worthwhile, particularly in light of the state's fiscal problem. The committee may want to address the following questions to the department.

- Have there been recent cases where the existing mutual aid network has been unable to provide timely assistance in an emergency? What would be the operational impact of the LAO's proposal to reject this proposal?
- How will the engines be distributed around the state? Will local communities be able to provide the additional staff necessary to operate these vehicles?

- Why are six positions required when the purpose of this request is to expand the fleet of fire engines housed and operated by local agencies? Are there any other ongoing state costs associated with the purchase of these vehicles?

CalEMA - Regional Expansion

Background. The CalEMA's three regional offices coordinate the efforts of state and local resources during and after emergencies. Personnel at these offices are responsible for all-hazards planning, conducting training and exercises, and coordinating emergency response.

Governor's Budget Request. The administration requests \$3.2 million in the budget year (\$3.0 million ongoing) and 19 positions in the regional offices to improve the state's response in an emergency. The requested resources would be used to mitigate potential deficiencies in services when multiple disasters occur simultaneously and in different regions of the state. The proposal will be funded in part out of Federal Funds and in part out of the newly proposed Emergency Response Fund.

	2009-10
Emergency Response Fund	\$1,575,000
Federal Trust Fund	1,610,000
<i>Total, All Funds</i>	<i>\$3,185,000</i>
Positions	19

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO raises concerns that this request does not address an immediate need in the emergency service being provided. The Legislature approved the use of federal funds for similar purposes in the form of grants to local governments in 2008-09 while rejecting the administration's request for state matching funds. The LAO recommends rejection of the requested Emergency Response Fund matching funds, while reauthorizing the federal funds as grants to local governments.

Staff Comments. In evaluating this proposal, the committee may wish to consider the following questions.

- What has been the historical staffing levels in the regional offices?
- How has the lack of the staff proposed affected department operations in the past? To what extent are these positions requested for emergency preparation versus response and recovery?
- How would the LAO's alternative affect the department's ability to administer emergency response?

CalEMA - Emergency Response Fund Fee Collections/Audits Unit

Background. The administration requests a change to the Insurance Code to create the ERF to be supported through a 2.8 percent surcharge on fire or multi-peril insurance policy premiums. CalEMA is proposed as the administrative agency responsible for managing the ERF.

Governor's Budget Request. The administration requests 10 positions effective January 1, 2010, to establish the Fee Collection and the Audit/Compliance Units in CalEMA to administer the new fund.

	2009-10	2010-11
Emergency Response Fund	\$650,000	\$1,300,000
Positions	5	10

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends against adoption of the new surcharge. If the Legislature does approve the insurance surcharge, the LAO recommends that it would be more appropriate to fund administration of the program through the Department of Insurance which collects existing insurance-related taxes. If the Legislature adopts the LAO's alternative fee proposal, the LAO recommends that it be administered by the Board of Equalization.

Staff Comments. The CalEMA is not currently responsible for collecting any other surcharges, fees, or taxes. Therefore, it is unclear that this department is best suited to administer any new fee, should the Legislature decide to enact one. Action on this proposal is contingent on what, if any, new surcharge or fee is enacted.

CalEMA - Law Enforcement Mutual Aid Support

Background. There are seven mutual aid regions in the state. Five of the seven regions are overseen by a Law Enforcement Coordinator who serves as the contact person for local law enforcement when additional resources are needed to respond to an emergency. The Law Enforcement Coordinator also facilitates the deployment of state resources (for example, CHP officers) or resources from other areas to the afflicted area and trains local law enforcement on how to use the mutual aid network effectively.

Governor's Budget Request. The administration proposes \$560,000 in the budget year and ongoing from the Emergency Response Fund to provide Law Enforcement Coordinators at the remaining two regions (Regions III and V, covering parts of Northern and Central California, respectively). The proposal also includes two Emergency Services Coordinators—one for the Mass Fatality Management Program and one for the

Search and Rescue Mutual Aid Program—to improve planning and coordination in these programs.

	2009-10
Emergency Response Fund	\$560,000
Positions	4

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends approval of the positions requested. Law enforcement coordinators play a unique role in managing the deployment of law enforcement resources in an emergency. The Mass Fatality Management and Search and Rescue Mutual Aid programs have experienced increased workloads.

Staff Comments. The department and LAO report that workload for these functions have increased significantly over the past several years. The committee may want to have the department report on how much workload has increased in recent years and what the key drivers of that workload has been.

- How have Regions III and V compared to the other five regions of the state with respect to the number and severity of emergencies in recent years?
- How has the department managed the responsibilities of mutual aid support in these two regions without a law enforcement coordinator?
- Specifically, how much has workload related to the Mass Fatality Management and Search and Rescue Mutual Aid programs increased in recent years? What has driven the increased workload?

CalEMA - Emergency Contingent Contract

Background. The CalEMA reports that it has limited ability to rapidly (within the first 24 hours of an emergency) deploy emergency response goods to vulnerable populations in the event of an emergency or disaster event.

Governor's Budget Request. The administration proposes \$500,000 in one-time funding from the Emergency Response Fund to hire a contractor to study how to store, manage, and transport critical goods immediately after an emergency or disaster event.

	2009-10
Emergency Response Fund	\$500,000
Positions	--

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends delaying funding for this study. While this may be a reasonable request, the LAO cannot recommend it at this time given the state's fiscal condition. The LAO also notes that length of time to complete the study and the associated out-year costs are unknown at this time.

Staff Comments. While the purpose of this proposal appears reasonable, the immediacy of the need is unclear. Further, the magnitude of the costs to implement any recommendations of the study is unknown and could be significant. The committee may wish to consider the following questions.

- Have there been some specific examples in California where goods were not provided to vulnerable populations in a timely fashion? What were the consequences of delivery delays?
- What would be the operational impact of the LAO's recommendation to delay this study?

CalEMA - Sacramento-San Joaquin Delta

Background. Chapter 608, Statutes of 2008 (SB 27, Simitian), requires CalEMA to establish a Sacramento-to-San Joaquin Delta Multi-Hazard task force that will submit a report to the Governor and Legislature prior to January 1, 2011, on a proposed emergency preparedness and response strategy for the Delta region.

Governor's Budget Request. The budget proposes to add two limited-term positions to establish the task force at a cost of \$360,000 in the budget year (\$283,000 in 20010-11) to be funded from the Emergency Response Fund.

	2009-10
Emergency Response Fund	\$360,000
Positions	2

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends delaying implementation of Chapter 608. According to the LAO, the proposal is reasonable but should not be approved at this time given the state's fiscal condition.

Staff Comments. This proposal is consistent with an existing state law. In evaluating this proposal and the LAO's recommendation, the committee may wish to consider the following questions.

- What are the primary emergency threats to the Sacramento-San Joaquin Delta area that the task force would be responsible for evaluating?
- What risks would there be to delaying the completion of this report?

CalEMA - California State Warning Center

Background. The California State Warning Center is a round-the-clock operation responsible for providing emergency notifications and communications to local, state, and federal agencies of any natural disaster, human caused disaster, or emergency situation. The Legislature approved seven additional staff for the State Warning Center in 2006-07. However, the Legislature did not approve additional staff to supervise these employees.

Governor's Budget Request. This proposal would add one additional supervisor for Warning Center staff at a cost of \$181,000 in the budget year and ongoing. The position is proposed to be funded from the Emergency Response Fund.

	2009-10
Emergency Response Fund	\$181,000
Positions	1

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends rejection of this proposal. It is not clear that the requested resources would be used to mitigate a critical deficiency in services provided by the state.

Staff Comments. It is unclear whether there is a critical need for the requested position. The committee may want to ask the department how it has managed its staff in the absence of this position over the past couple of years. In particular, has the lack of a second supervisor position caused operational problems?

CalEMA - State Emergency Command Center

Background. The CalEMA currently contracts with CalFire for 3.5 fire captains to provide dispatching support in the State Emergency Command Center. State dispatching workload has increased due to the large number of fires throughout California. There were over 100 fire incidents in each of the past two years for which CalEMA provided dispatching support, and there was an average of more than 40 fire engines deployed per incident. This represents a notable increase over four of the prior five years.

Governor's Budget Request. The administration proposes to reimburse CalFire for an additional full time fire captain at the State Emergency Command Center at a cost of \$155,000 annually, paid from the Emergency Response Fund.

	2009-10
Emergency Response Fund	\$155,00
Positions	--

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends approval of this proposal. This transfer would improve CalEMA's ability to track and manage deployed fire and rescue resources during a fire.

Staff Comments. This request is tied to a notable increase in workload over the past couple of years based on the number of wildfires to which CalEMA and CalFire have had to respond. In part, though, the necessity of this funding request depends on whether it is reasonable to assume that wildfire response will be at similar levels ongoing. The committee may wish to address the following questions to the department.

- While the workload has been high the last two years, what makes the department believe this workload will continue in coming years and not revert to levels in prior years?
- The department reports that it has used CalEMA staff from the Fire and Rescue Branch to provide additional coverage and offset some of the fire captain duties, often requiring overtime. How much did this cost the department last year? Why is this option no longer viable?

Military Department - Augment Aerial Firefighting Capability

Background. Under federal law, the Governor may call to duty the National Guard to provide personnel and equipment in support of civilian agencies in the event of an emergency. The Military Department (CMD) annually plans and conducts an average of 42 aviation support missions, including wildfire suppression, search and rescue, personnel and equipment airlifts, and incident assessment over-flights.

Governor's Budget Request. The CMD requests \$2.2 million (Emergency Response Fund) in budget year, \$4.9 million in fiscal year 2010-11, \$5.2 million in fiscal year 2011-12, and \$400,000 ongoing thereafter, to procure and maintain new aerial firefighting equipment (see table below), including four UH60 Fire Suppression conversion kits (snorkel system) for helicopters and two Modular Firefighting Systems (MAFFS) for C-130 airplanes. According to the Administration, the requested equipment would improve the CMD's firefighting response capabilities, which currently consist of two MAFFS, twelve 660 gallon buckets, and five 2,000 gallon soft-sided buckets.

	2009-10	2010-11	2011-12	2013-14
Emergency Response Fund	\$2,200,000	\$4,900,000	\$5,200,000	\$400,000
Positions	--	--	--	--

2009-10 Enacted Budget. Rejected without prejudice.

LAO Recommendation. The LAO recommends denying this request given the state's dire fiscal situation. The Analyst points out that, although the requested equipment would likely improve the protection of life, property, and state resources, the CMD currently owns some firefighting equipment and the state has access to additional equipment owned by the CalFire as well as resources at the federal and local level. Therefore, the LAO does not believe this request ranks among the state's most critical and immediate needs.

Staff Comments. Staff notes that during the 2008 fire season, the Los Angeles Times ran an article entitled "Air tanker drops in wildfires are often just for show," which challenged the tactical value of aerial firefighting in many situations (see <http://www.latimes.com/news/local/politics/cal/la-me-wildfires29-2008jul29,0,3486219.story>). The piece quoted professional firefighters derisively referring to some aerial firefighting efforts as "political air shows" and "CNN drops" because they are tactically inappropriate and are instead motivated by a political desire to provide the public with visible evidence that the government is taking action in the face of a wildfire (when the hard work of ground crews might be less visible). The article went on to point out that aircraft have an important but limited role in the early stages of a fire—when they can help keep a fire in check until ground crews arrive—or in rough terrain that is otherwise inaccessible to ground crews, but aerial firefighting is highly costly and significantly less effective (dollar-for-dollar) in many situations than ground crews. The Committee may wish to have the CMD comment on the value of aerial firefighting, particularly with regard to whether California's marginal dollar in emergency response funding achieves a greater "bang-for-the-buck" by purchasing additional aerial firefighting equipment versus more conventional equipment (or additional firefighting personnel).

Staff additionally notes that, in a similar request last year, the CMD asked for 43 positions in order to provide a 24-hour a day aerial firefighting response capability throughout the state. The proposal was ultimately denied by the Legislature due to concerns about the fund source, but the justification accompanying the request highlighted the fact that "the CMD does not maintain 24 hour/day, seven day/week aircrew staff," and "duty, after hours, and weekend emergency response is not resourced by the Federal Government and must be funded by the State if this capability is desired." Therefore, the absence of a similar staffing proposal this year begs the question as to whether the equipment requested could not just as easily be borrowed from other entities (as suggested by the LAO) if CMD air crews are not necessarily going to be available to respond significantly more quickly than other mutual aid providers.

The committee may wish to address the following questions to the department.

- Additional firefighting resources are always nice to have, but have there been recent cases in which the state was dramatically under-resourced in terms of the aerial firefighting capability it was able to bring to bear? If so, what were the consequences (e.g., in terms of fire damage)?
- In light of the questions raised in the Los Angeles Times article noted in the staff comments, why are the dollars requested better spent on this new equipment as

- opposed to more conventional firefighting equipment or personnel (i.e., how do they compare in terms of “bang-for-the-buck”)?
- On average, how long does it take the CMD to get an aerial firefighting crew in the air and to the scene of a fire? How does this compare to other mutual aid responders that the state can call on in the event of an emergency?
 - In three years, how much will our \$12 million investment in new equipment have quantitatively enhanced our aerial firefighting response capability? For example, on average, how many additional acres of forest can we expect to preserve, or how much personal property will we be able to save annually as the result of having this equipment? (Some examples of how this equipment would have benefited the state in past fires may be helpful in illustrating the Administration’s response.)

California Emergency Management Agency (CalEMA)

The principal mission of the California Emergency Management Agency (CalEMA) is to reduce the state's vulnerability to hazards and crimes through emergency management and criminal justice programs.

The CalEMA was created by Assembly Bill 38 (Chapter 372, Statutes of 2008) as an independent entity reporting directly to the Governor. The CalEMA was formed by merging two departments, the Office of Emergency Services (OES) and the Office of Homeland Security (OHS).

During an emergency, CalEMA functions as the Governor's immediate staff to coordinate the state's responsibilities under the Emergency Services Act. It also acts as the conduit for federal assistance through natural disaster grants and federal agency support. Additionally, CalEMA is responsible for the development and coordination of a comprehensive state strategy related to all hazards that includes prevention, preparedness, and response and recovery.

Further, CalEMA improves the criminal justice system in California by providing financial and technical assistance to local governments, state agencies, and the private sector for public safety and victim services.

The department has a 2008-09 budget of \$1.3 billion, more than \$1 billion of which is funded through federal funds. The department's budget includes about \$125,000 from the General Fund. The CalEMA has about 600 employees.

American Recovery and Reinvestment Act – Federal Stimulus Funds

Background. The American Recovery and Reinvestment Act of 2009 (ARRA), passed by Congress in February, provides about \$4 billion for justice programs. Some of these federal stimulus dollars will be provided directly to local and other agencies based on federally established formulas. In other cases, agencies will have to apply directly to the federal government for funds.

Acting as the State Administering Agency for California, CalEMA will have discretion over the allocation of about \$152 million of the ARRA funds coming to the state.

Most of this funding awarded by CalEMA - \$136 million – will be associated with the Edward Byrne Memorial Justice Assistance Grant Program (Byrne/JAG) which can be used for a variety of law enforcement, crime prevention, and rehabilitation purposes. California received about \$11 million in these funds in 2008.

Two additional funding programs that will be administered by CalEMA are the Violence Against Women Act (VAWA) and Victims of Crime Act (VOCA), receiving a total of \$16 million.

Federal Stimulus Funds Administered by CalEMA

(Dollars in millions)

Program	Amount
Byrne/JAG	\$136
Violence Against Women Act	13
Victims of Crime Act	3
Total	\$152

Staff Comments. Historically, CalEMA, in consultation with the California Council on Criminal Justice, has broad discretion to administer grant awards for these federally-funded programs. While CalEMA continues to have this authority, the magnitude of funding administered has increased substantially. For this reason, it is important for the committee to have a clear understanding of how these federal dollars will go out to local agencies, as well as what outcome information will be required to be reported to CalEMA. The committee may wish to ask the department the following questions:

- What is the process for agencies to receive these funds? To what extent will funding go out on a formula basis versus based on a competitive grant process?
- What is the timeline for agencies to apply for funds? How long does the department have to distribute these funds?
- Of the \$152 million administered by CalEMA, how much is required to go out to local agencies? How much is available for state use?
- How will CalEMA prioritize how these funds are used? What is the role of the Legislature in setting priorities?
- What are agencies receiving these funds required to report to CalEMA regarding usage of the funds and program outcomes?

Recovery Program Backlog

Background. The CalEMA serves as the state's administrator for disaster recovery funds provided to the state on behalf of eligible applicants after a Presidential Declaration of a Major Disaster or Emergency or the approval of a Fire Management Assistance Grant. The CalEMA also manages the California Disaster Assistance Act funding which provides state funding to eligible applicants after a qualifying emergency. Significant staff work is required to manage these recovery operations. The 2007-08 budget included \$1.2 million and 14 positions, including eight limited-term positions, to reduce the backlog in the Recovery Program workload.

Governor's Budget Request. The administration requests the conversion of the previously approved eight limited-term positions to permanent to continue efforts to reduce the backlog of disaster recovery funds. These positions would cost a total of \$1.2 million in the budget year and ongoing and would be funded half by the General Fund and half through federal funds.

	2009-10
General Fund	\$599,000
Federal Trust Fund	598,000
<i>Total, All Funds</i>	<i>\$1,197,000</i>
Positions	8

2009-10 Enacted Budget. Included as proposed.

Staff Comments. These eight positions were initially authorized as limited term because it was unclear whether the additional positions would be necessary over the longer term. In order to justify the need for ongoing position authority, the department should be able to demonstrate that the positions have allowed it to reduce the backlog of recovery cases and ensure that federal recovery dollars make their way to local agencies, the purpose for which they were established. Therefore, the committee may want to ask the department for data on the workload coming into the program, the number of applications closed, and the state of the backlog compared to two years ago.